

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

EDWARD PEÑA and
BRANDON MILLER,
*individually and on behalf of
persons similarly situated,*

Plaintiff,

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INTERNATIONAL MEDICAL
DEVICES, INC., MENOVA
INTERNATIONAL, INC.,
GESIVA MEDICAL, LLC,
JAMES J. ELIST, M.D., A
MEDICAL CORPORATION,
AND DR. JAMES ELIST.

Defendants

Case No. 2:22-cv-03391-SSS (RAOx)

**[PROPOSED] ORDER GRANTING
MOTION TO COMPEL**

Having considered Plaintiffs' Motion to Compel, the briefing in the support of and in opposition thereto, and any argument of counsel, the Court has decided that the motion should be and hereby is GRANTED.

The Court finds that

1. Defendants have failed to produce documents within the time required by Rule 34(b)(2)(A).
2. Defendants have failed to produce a privilege log within the time required by the parties' Stipulated Protective Order, (Dkt. 76 at 12–13); and
3. Defendants' objections to producing documents that have already been collected and produced in related proceedings are not well taken.

It is therefore ORDERED that Defendants shall produce documents responsive to Plaintiffs' First Set of Requests for Production within 30 days.

It is further ORDERED that Defendants shall produce a privilege log within 30 days.

It is further ORDERED that Defendants' objections to Requests for Production Nos. 1–3 to Dr. James Elist, Dr. James J. Elist, M.D., International Medical Devices, Inc., and Menova International, Inc. are OVERRULED.

It is further ORDERED that Defendants' objections to Requests for Production Nos. 38–39 to Dr. James Elist and Dr. James J. Elist, M.D. are OVERRULED.

Dated: _____

Hon. Rozella A. Oliver
U.S. Magistrate Judge